

>>>
>>> Sincerely,
>>> Kelly Kanis
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>>> <IMG_4524.JPG>
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>>> Sent from my iPhone
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Re: Public property?

From : Optimum <kamkanis@optonline.net>

Tue, May 09, 2017 05:00 PM

Subject : Re: Public property?

To : councilmannixon@jacksontwpnj.net, Michael Reina <mikereina@jacksontwpnj.net>,
councilmanbressi@jacksontwpnj.net, councilmancalogero@jacksontwpnj.net,
councilmanmartin@jacksontwpnj.net, annieup@jacksontwpnj.net

Hello, again!

Just wondering when this will be enforced and when the poles and wires will be taken down.
Thank you.

Sent from my iPhone

On Apr 25, 2017, at 5:50 PM, Optimum <kamkanis@optonline.net> wrote:

Thank you! This is great news. Hopefully all requests to construct these poles will be denied.
Kelly Kanis

Sent from my iPhone

Begin forwarded message:

From: Optimum <kamkanis@optonline.net>
Date: April 25, 2017 at 5:48:41 PM EDT
To: Kenneth Pieslak <kpieslak@jacksontwpnj.net>
Subject: Re: Public property?

This is great! Thank you for sharing! My only hope NOW is that the township does not give consent to any individuals who ask to put up these poles in the ROW.

Sent from my iPhone

On Apr 25, 2017, at 4:38 PM, Kenneth Pieslak <kpieslak@jacksontwpnj.net> wrote:

Ms. Kanis :

After much research the Township Attorney has provided us with legal guidance/direction as follows:

Jackson Township Ordinance 372-8 prohibits the obstruction of streets:
No person shall encumber or obstruct any street or public place with any article or thing whatsoever unless permission has first been obtained in writing from the Township Committee of the Township of Jackson.

Placement of a pole in the municipal ROW requires municipal consent. The poles constitute an obstruction and violate 372-8 and violations as set in 372-10 may be issued:
Any person who shall violate any of the terms or provisions of this article shall be subject to a penalty of

not less than \$100 and not to exceed \$2000 or imprisonment for a term not to exceed 90 days, or both, in the discretion of the Judge before whom such conviction may be had.

This prohibition applies to all obstructions in the right of way and should be uniformly applied throughout the Township, to include other obstructions such as basketball nets that are placed in the right of way without permission.

We will begin enforcing this as outlined. If you have any other questions, please let me know.

Kenneth J. Pieslak
Code Compliance Supervisor
Jackson Township
95 W. Veterans Hwy., Jackson, NJ 08527
732.928.1200 ext. 1231
732.833.0603 (fax)

From: "Optimum" <kamkanis@optonline.net>
To: "Helene Schlegel" <hschlegel@jacksontwpnj.net>
Cc: "Jeff Purpuro" <jpurpuro@jacksontwpnj.net>, "Kenneth Pieslak" <kpieslak@jacksontwpnj.net>, councilmannixon@jacksontwpnj.net, "Michael Reina" <mikereina@jacksontwpnj.net>, councilmancalogero@jacksontwpnj.net, councilmanmartin@jacksontwpnj.net, councilmanbressi@jacksontwpnj.net, annieup@jacksontwpnj.net, "Jean Cipriani" <jlc@gm-law.net>
Sent: Monday, April 24, 2017 8:58:45 PM
Subject: Re: Public property?

Thank you so much for clarifying that for me. I didn't know how it worked. Hopefully this will be solidified and tightened up, so that when the township denies such requests, the code will be all that's needed for denial.

Sent from my iPhone

On Apr 24, 2017, at 7:26 PM, Helene Schlegel <hschlegel@jacksontwpnj.net> wrote:

Dear Ms. Kanis,

I understand your frustration with receiving conflicting information. This appears to be a complex subject and there seems to be a variety of interpretations.

The two departments (code and zoning) deal with two separate areas within our code. This matter is unfortunately not clear cut as we would like. After gathering the legal information, it appears that this is not a zoning issue identified within land use law, but rather a code issue as the property owner, according to legal council, would need the Township's consent to put them in the right of way.

We are requesting that our Township Attorney provide us with previous legal decisions regarding these wires that will provide a firm answer that we can solidly defend.

Respectfully,

Helene Schlegel, MS, MPP, CPM
Business Administrator
Jackson Township
95 West Veterans Highway
Jackson, NJ 08527
732-928-1200 ext. 1210

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Township Mayor's office. This email and any files attached may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it, you are hereby notified that any DISCLOSURE, COPYING, DISTRIBUTION or use of any information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please forward same to sender and destroy the original transmission and its attachments without reading or saving in any manner.

On Apr 24, 2017, at 4:57 PM, Optimum <kamkanis@optonline.net> wrote:

Thank you for your response. I'm just not clear as I've gotten conflicting messages from the township. One (from code) that is enforceable and one (from planning and zoning) that it is not. Please clarify.

Thank you.

Sent from my iPhone

On Apr 24, 2017, at 4:24 PM, Jeff Purpuro <jpurpuro@jacksontwpnj.net> wrote:

Hello,

As I've had a few days to, again, research our codes and regulations, I literally went through page by page of our Administrative codes (essentially enforced by Code Enforcement) and the Land Use and Development Regulations (Chapter 244 that is my responsibility), chapter 244 specifically speaks to buffers, easements, yard areas, open spaces, sight triangles and the like, but only deals with all improvements on one's property. So if I were to ask for these wires to be removed, I'd have no black and white codes to cite.

Our sign ordinance (244-207) notes that signs cannot be installed within the right-of-way, our fence ordinance (244-190) says no fencing or walls may be installed w/in the right-of-ways, but except for 244-219 "Utility installations", nothing seems to exist that would permit nor prohibit anything from being installed within these areas, including mailboxes.

Bottom line, from a Planning and Zoning perspective, relative to Chapter 244, as nothing seems to exist on this matter, I have nothing to enforce.

Thank you.

Jeffrey Purpuro
Jackson Township Zoning Officer
95 W.Veterans Hwy. Jackson, NJ 08527
732.928.1200 ext. 1240
732.928.1397 (fax)

From: "Optimum" <kamkanis@optonline.net>
To: "Jeff Purpuro" <jpurpuro@jacksontwpnj.net>
Cc: "Kenneth Piestak" <kpiestak@jacksontwpnj.net>, councilmannixon@jacksontwpnj.net, "Michael Reina" <mikereina@jacksontwpnj.net>, councilmancalogero@jacksontwpnj.net, councilmanmartin@jacksontwpnj.net, councilmanbressi@jacksontwpnj.net, annieup@jacksontwpnj.net, "Helene Schlegel" <hschlegel@jacksontwpnj.net>
Sent: Sunday, April 23, 2017 10:38:12 AM
Subject: Re: Public property?

Hello, again!

Just wondering if these wires will be enforced like other structures on the ROW since the homeowners do not own that land. If mailboxes have to follow suit, then I'm sure other items would as well. If not, I can see this opening up a huge can of worms for other structures to be placed there.

Thank you!

Sent from my iPhone

On Apr 6, 2017, at 4:41 PM, Optimum <kamkanis@optonline.net> wrote:

Thank you for your replies and explanations. I'm not sure where this will end up as far as preventing these divisive boundary lines from being installed. Hopefully the tall poles won't end up being safety hazard and damage cars and property or hurt anyone if they fall during storms, etc. I just can't believe these permanent structures do not fall under a category of things that are already regulated in the ROW.

With regards to the signage, I know there are realtors signs in the BW3 in the ROW area.

Thanks for your time and energy as you investigate this matter.
-Kelly Kanis

Sent from my iPhone

On Apr 6, 2017, at 10:03 AM, Jeff Purpuro <jpurpuro@jacksontwpnj.net> wrote:

Ken,

While I'm looking into what can and/or cannot be installed within a public r.o.w., but may not be able to find it in the land use regulations, I need to take exception to your thought that area between the sidewalk and street are owned by the homeowner. In most, if not all, cases, the property line ends before the sidewalk, and the sidewalk and curb are outside the property line, but needs to be maintained by the homeowner.

And while everyone places a mailbox within the r.o.w., there are specific conditions that allow for such installations, but again, won't be found in chapter 244 (land use regs.)

I will keep you informed. Thank you.

Jeffrey Purpuro
Jackson Township Zoning Officer
95 W.Veterans Hwy. Jackson, NJ 08527
732.928.1200 ext. 1240
732.928.1397 (fax)

From: "Kenneth Pieslak" <kpieslak@jacksontwpnj.net>
To: "Optimum" <kamkanis@optonline.net>
Cc: councilmannixon@jacksontwpnj.net, "Michael Reina" <mikereina@jacksontwpnj.net>, councilmancalogero@jacksontwpnj.net, councilmanmartin@jacksontwpnj.net, councilmanbressi@jacksontwpnj.net, annieup@jacksontwpnj.net, "Helene Schlegel" <hschlegel@jacksontwpnj.net>, "Jeff Purpuro" <jpurpuro@jacksontwpnj.net>
Sent: Thursday, April 6, 2017 8:58:56 AM
Subject: Re: Public property?

Ms. Kanis :

My apologies as I received several emails on this subject at the same time and thought I responded to everyone. The Right-of-way area between the sidewalk and the street is owned by the homeowner and not 'public property'. It is designated as such for the purpose of allowing government entities, power, cable, telephone, utility companies access to repair/install utilities as needed. This concern has been looked into by Zoning, Engineering and Code Enforcement. We are aware of the group of homes that have installed the poles connected by the wire in Brookwood 1 and found there to be no violation of any Ordinance/Law.

You are correct with signage as there is a specific Code that prohibits most signage from being placed in the Right-of-way.

Hopefully this answers your questions. Should you have any further questions, please feel free to contact me.

Kenneth J. Pieslak
Code Compliance Supervisor
Jackson
Township
95 W. Veterans Hwy., Jackson, NJ 08527
732.928.1200 ext. 1231
732.833.0603 (fax)

From: "Optimum" <kamkanis@optonline.net>
To: councilmannixon@jacksontwpnj.net, "Michael Reina" <mikereina@jacksontwpnj.net>, councilmancalogero@jacksontwpnj.net, councilmanmartin@jacksontwpnj.net, councilmanbressi@jacksontwpnj.net, annieup@jacksontwpnj.net
Cc: "Kenneth Pieslak" <kpieslak@jacksontwpnj.net>
Sent: Wednesday, April 5, 2017 4:45:27 PM
Subject: Re: Public property?

Please advise as I've had no response.

Sent from my iPhone

On Apr 1, 2017, at 5:11 PM, Optimum <kamkanis@optonline.net> wrote:

I sent this email to code. I'm not sure why this is being allowed in areas of JACKSON. Please advise.

Sent from my iPhone

Begin forwarded message:

From: Optimum
<kamkanis@optonline.net>
Date: April 1, 2017 at
5:08:07 PM EDT
To:
kpieslak@jacksontwpnj.net
Subject: Public
property?

Dear Ken,

I'm not sure what is going on in BW1, but these poles and wires extend across property lines and are permanently affixed to the public sidewalk/grassy area.

I live in BW3 and was always under the impression that this area was indeed township property even though I had to maintain it. I'll have to see if they are being constructed in my neighborhood.

It seems as if the Hacidic families are grouping their houses together for some reason bc a non-Hacidic family was asked if they could put poles on their property. No one should even be allowed to ask that or for residents to free pressured to allow them to do so. If this is a cultural or religious symbol, it creates a VERY divided community with physical boundaries of separation.

Just like the Jim Crow laws labeling "white or black fountains", this is a sign that "Hacidics only" are welcome. In addition, it is NOT separation of church and state with this crossing property lines and on the public areas of the sidewalk. I didn't even think reafter "for sale" signs were allowed in this strip.

I'm not sure why this is allowed, but if it is, please direct me to the ordinance that states that permanent structures on this public strip are allowed. I always

thought a fence, border,
lights, or flag poles would
look nice there, so I look
forward to constructing
some soon since it seems
to be allowed.

Things like this are
definitely changing the
landscape of Jackson.

Sincerely,
Kelly Kanis

<IMG_4523.JPG>

<IMG_4524.JPG>

Sent from my iPhone

Re: Public property?

From : Ann Marie Eden <clerk@jacksontwpnj.net> Tue, May 09, 2017 08:43 AM
Subject : Re: Public property?
To : Barry Calogero <councilmancalogero@jacksontwpnj.net>
Thanks!

AM

----- Original Message -----
From: "Barry Calogero" <councilmancalogero@jacksontwpnj.net>
To: "Ann Marie Eden" <clerk@jacksontwpnj.net>
Sent: Monday, May 8, 2017 4:25:14 PM
Subject: Fwd: Fwd: Public property?

OPRA request

----- Forwarded Message -----
From: Optimum <kamkanis@optonline.net>
To: councilmannixon@jacksontwpnj.net, Michael Reina <mikereina@jacksontwpnj.net>,
councilmanbressi@jacksontwpnj.net, councilmancalogero@jacksontwpnj.net,
councilmanmartin@jacksontwpnj.net, annieup@jacksontwpnj.net
Sent: Tue, 25 Apr 2017 17:50:41 -0400 (EDT)
Subject: Fwd: Public property?

Thank you! This is great news. Hopefully all requests to construct these poles will be denied.
Kelly Kanis

Sent from my iPhone

Begin forwarded message:

> From: Optimum <kamkanis@optonline.net>
> Date: April 25, 2017 at 5:48:41 PM EDT